

**REMARKS**

**Independent Claim 1 & Dependent Claims 2-21**

Independent claim 1 has been rejected as anticipated by U.S. Patent No. 5,565,739 (Brownell 739). Applicant respectfully submits that independent claim 1 is patentable over Brownell because applicant claims a “*electroluminescent floor display, comprising an adhesive for adhering the display to a floor*” and Brownell does not disclose a floor display of any type. Rather, Brownell specifies that the display or “lamp 8” is “mounted to a supporting surface such as a wall or mirror”(Brownell 739 at 3:11-12). Brownell fails to recognize the significant advertising advantages that can be achieved through floor advertising particularly in grocery stores, where there is generally no wall space for mounting Brownell’s device. Moreover, Brownell fails to disclose a floor display comprising an adhesive for adhering the display to the floor. Thus, applicant respectfully submits that independent claim 1 and its dependent claims are not anticipated by Brownell.

Independent claims 42, 22, 57, and 70 and their dependent claims are patentable over Brownell for similar reasons.

**Independent Claim 22 and Independent Claim 57**

Independent claim 22 has been rejected as obvious over Brownell 947 and U.S. Patent No. 6,762,734 (Blotky). The first paragraph of the rejection of claim 22 refers to alleged disclosure by Blotky. That appears to be incorrect, and applicant assumes that the first paragraph of the rejection was meant to refer to Brownell 947.

Applicant respectfully submits that the invention of claim 22 is nonobvious over Brownell 947 and Blotky because neither discloses a floor display, much less the claimed floor display. Brownell 947 disclose a wall lamp (Brownell 947 at 3:11-12), and Blotky

discloses a “beverage can, as well as containers for food stuff, household goods,” (Blotky 1:7-8) “plastic or glass bottles, cardboard or plastic boxes and other containers used for packaging and dispensing foods, household, and any other type of products” (*id.* at 4:63-67).

Applicant respectfully submit that the invention of claim 22 is patentable over the combination of Brownell 947 and Blotky for the additional reason that one of ordinary skill in the art would not have been motivated to combine them to form the claimed invention. There is no motivation, nor has any been cited, for modifying Brownell in view of Blotky to form the claimed invention. There is certainly no explicit motivation. In fact, as is recognized in the office action, Blotky does not even disclose a motion sensor. Rather, Blotky discloses a light sensor, a stress sensor, and an activating switch” for beverage cans or containers. Brownell discloses a motion sensor for a wall unit. There is no motivation provided in either reference to adopt certain select teachings to the exclusion of others to form the claimed invention. Motivation is “essential” to an obviousness determination, and absent motivation, the claims are nonobvious. *Golight, Inc. v. Wal-Mart Stores, Inc.*, 355 F.3d 1327, 1335-36 (Fed. Cir. 2004).

**Dependent Claims 10-14, 20 & 30-34**

Dependent claims 10-14, 20, and 3-34 and have been rejected as obvious over Brownell (not clear which Brownell reference), Blotky and Ladd. Applicant respectfully submits that these claims are patentable over both Brownell references, Blotky and Ladd for the reasons set forth with respect to independent claims 1 and 21 respectively and for the additional reason that there is no motivation in these references to combine them in such a way as to form the claimed invention.

There is no motivation to use Ladd to modify Blotky and Brownell to form the claimed invention. Ladd fails to disclose any type of electroluminescent display and does not discuss combining his teachings with any such display, much less a floor display. Further, with respect to claims 12 and 31 Ladd does not disclose broadcasting a sound when motion is not sensed.

With respect to claims 13-14 and 33-34, Ladd fails to disclose an interface switch which sends a signal to a controller for broadcasting a different sound. Although Ladd discloses a switch 22 that can vary the broadcasted message when motion is sensed (Ladd at 4:6-31), Ladd's switch 22 does not broadcast a sound in response to being activated. Rather, Ladd's switch changes the message that will be broadcast when motion is sensed. Neither the Brownwell patents nor Blotky cure Ladd's deficiencies.

**Dependent Claims 15-19 & Claims 35-39**

Dependent claims 15-19 and 35-39 have been rejected as obvious over Brownell (not clear which Brownell reference), Blotky and U.S. Patent No. 6,318,888 (Larussa). Applicant respectfully submits that these claims are patentable over both Brownell references, Blotky and Larussa for the reasons set forth with respect to claim 1 and claim 21 respectively and for the additional reason that there is no motivation in these references to combine them in such a way as to from the claimed invention.

There is no motivation to use Larussa to modify Blotky and Brownell to form the claimed invention. Larussa fails to disclose any type of electroluminescent display and does not discuss combining his teachings with any such display, much less a floor display. In fact, Larussa teaches a virtual display system 10 (Larussa 4:10-15), not an electroluminescent floor display that creates an animated effect.

Further, with respect to claims 17 and 36, Larussa fails to teach emitting an aroma when a motion sensor does not sense motion. Rather, Larussa only teaches emitting an aroma in response to an input (*e.g.*, Larussa at 5:19-34).

**Dependent Claims 21 & 41**

Dependent claims 21 and 41 has been rejected as obvious over Brownell (not clear which Brownell reference), Blotky and U.S. Patent No. 5,831,593 (Rutledge). Applicant respectfully submits that claim 21 is patentable over these both Brownell references, Blotky and Rutledge for the reasons set forth with respect to claim 1 and for the additional reason that there is no motivation in these references to combine them in such a way as to form the claimed invention.

There is no motivation to use Rutledge to modify Blotky and Brownell to form the claimed invention. Rutledge fails to suggest or teach a wireless device for changing the instructions that a controller uses to illuminate an electroluminescent display. Rather, Rutledge discloses a “remote control device for controlling a cursor on a computer or television screen” (Rutledge 1:13-16). There is simply no suggestion or teaching to use Rutledge’s remote control device to change the illumination of an electroluminescent display.

**Independent Claim 70 & Method Claims 42-73**

Independent claim 70 has been rejected as obvious over Brownell 947 and Blotky. Applicant respectfully submit that independent claim 70 is patentable for reasons

**DOCKET NO.:** FLOR-0147  
**Application No.:** 09/965,962  
**Office Action Dated:** August 11, 2004

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similar to those set forth with respect to independent claim 22. Applicant respectfully submits that method claims 42-73 are patentable for similar reasons.

Date: November 12, 2004

  
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